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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,813	12/29/2000	Brinkley Sprunt	42390.P8258	8469

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EXAMINER

YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/751,813

Applicant(s)

SPRUNT ET AL.

Examiner

Michael J. Yigdall

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-4,7-9,18,20,21 and 25-29.

Claim(s) withdrawn from consideration: _____

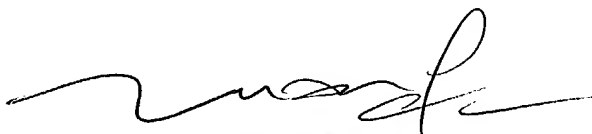
8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Continuation of 5.

Applicant contends that Larsen does not teach or reasonably suggest having an event detector to detect a predetermined list of events and to transmit an event detection signal to a multiplexor and the ESCR (event selection control register) to instruct the multiplexor to select an event by qualifying the event based on a set of conditions, as recited by independent claims 1 and 18 (see page 6, top). Applicant suggests that the performance monitor of Larsen is not the same as the recited event detector because, for example, the performance monitor "receives event occurrences and does not detect them" (see page 6, top). However, Examiner maintains that Larsen anticipates the features recited in the claims, as set forth in the Office action mailed April 2, 2004. The performance monitor 50 in FIG. 2 records a predetermined list of events that comprises, for example, processor cycles, thread switches, cache misses, and so on (see the events listed from column 5, line 43 to column 6, line 9; see also column 4, lines 50-57 and FIGS. 2 and 3, which show a list of events generated by functional units IU, FX, FP, SC, BIU, LB and L2). The events are transmitted, i.e. as signals, to multiplexor 82 in FIG. 2, for which control registers 80 in FIG. 2 select events based on a set of conditions (see column 5, lines 5-17). Because the performance monitor in fact monitors, records and counts events, it is considered to also "detect" such events. Moreover, at column 6, lines 42-43, Larsen discloses "a detected event occurrence," confirming that events are indeed detected by the performance monitor. Note FIG. 4, which shows the sequence of operations for detecting and recording events (see for example blocks 176, 178 and 180).

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SUPERVISORY PATENT EXAMINER

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